

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DYLAN PANARRA,

Plaintiff,

Case # 20-CV-6991-FPG

v.

DECISION & ORDER

HTC CORPORATION, et al.,

Defendants.

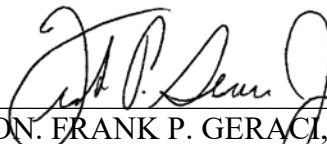
Plaintiff Dylan Panarra filed the original complaint in November 2020, alleging, *inter alia*, claims for discrimination pursuant to the Americans with Disabilities Act. ECF No. 1. Defendants HTC Corporation and HTC America, Inc. answered the complaint, ECF Nos. 15, 16, and Plaintiff filed the instant motion to strike certain of Defendants' affirmative defenses. ECF No. 19.

Thereafter, Plaintiff filed an amended complaint, ECF No. 39, and Defendants moved to dismiss the complaint, ECF No. 40. The amended complaint is now the operative pleading and the motion to dismiss is pending before the Court. Due to the pending motion to dismiss, Defendants have not answered the amended complaint.

Because Defendants' answer to the original complaint, to which the instant motion to strike is directed, is no longer operative, the motion to strike is DENIED AS MOOT. *See Fequiere v. Tribeca Lending*, No. 14-CV-0812, 2015 WL 1412580, at *2 (E.D.N.Y. Mar. 20, 2015) ("Tribeca's Answer to her original complaint, to which this motion is directed, is inoperative, and her motion to strike Tribeca's Answer is moot."); *Thompson v. Pallito*, 949 F. Supp. 2d 558, 582 (D. Vt. 2013) (finding that pending motions addressed to the original complaint are generally regarded as moot upon the filing of an amended complaint).

IT IS SO ORDERED.

Dated: January 5, 2022
Rochester, New York



HON. FRANK P. GERACI, JR.
United States District Judge
Western District of New York